IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.1103 OF 2006

Dnyandeo S. Divekar and ors. ...Appellants

v/s

The State of Maharashtra and ors. ...Respondents

Mr Shriram Kulkarni for Appellants.

None for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 20TH JULY 2007.

P.C. :-

1. The cause of action on which the suit for mandatory injunction was filed was damage to the water channel. The cause of action for filing the present suit for damages is also the damage to the water channel. Therefore, the Courts below, in my opinion, have rightly held that the suit is barred by the provisions of Order 2 Rule 2 of C.P.C. No substantial question of law arises. Appeal is rejected.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Private Secretary as true copy.

. Certified copy expedited.